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6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION

10
11 UNITED STATES OF AMERICA,) No. CR -12-00527- PSG
12)
Plaintiff,)
13)
v.) **STIPULATION TO CONTINUE THE**
14) **STATUS HEARING TO NOVEMBER**
KATHLEEN BORKENAGEN,) **27, 2012; [~~PROPOSED~~] ORDER**
15)
Defendant.) HONORABLE PAUL S. GREWAL
16 _____)

17 **STIPULATION**

18
19 Defendant and the government, through their respective counsel, subject to the court's
20 approval, hereby stipulate that the Court continue the status hearing in the above-captioned
21 matter, presently scheduled for November 5, 2012, at 9:30 a.m., to November 27, 2012, at 9:30
22 a.m. The reason for the stipulation is as follows. Counsel for the defense is continuing his
23 investigation which includes but is not limited to obtaining and reviewing financial records,
24 including profit and loss statements, needed to assess the loss amount which is relevant to
25 negotiating a resolution of this matter. For these reasons, defense counsel needs additional time
26 to complete his investigation.

Stipulation to Continue Status Hearing;
~~Proposed~~ Order
No. -12-00527- PSG

The parties further agree and stipulate that the time from and including August 23, 2012, through and including November 27, 2012, should be excluded pursuant to Speedy Trial Act, 18 U.S.C. §3161(h)(7)(A) and (B)(iv) to provide counsel reasonable time to prepare. Accordingly, the United States and the defendant agree that granting the requested exclusion of time will serve the interest of justice and outweigh the interest of the public and defendant in a speedy trial.

Dated: November 2, 2012

_____/s/_____
MANUEL ARAUJO,
Assistant Federal Public Defender

Dated: November 2, 2012

_____/s/_____
Timothy J. Lucy,
Assistant United States Attorney

~~PROPOSED~~ ORDER

Good cause appearing and by stipulation of the parties, it is hereby ordered that the sentencing hearing in the above-captioned matter is continued from November 5, 2012, at 9:30 a.m., to November 27, 2012 at 9:30. It is further ordered that the period of delay from August 23, 2012, through and including November 27, 2012, be excluded for purposes of Speedy Trial Act computations pursuant to Title 18, United States Code, Sections 3161(h)(7)(A) and 3161(h)(7)(B)(iv).

Dated: November 2, 2012


HONORABLE PAUL S. GREWAL,
United States Magistrate Judge